

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

ROEL STEVE AXUME

Applicant for Registered Nurse License

Respondent

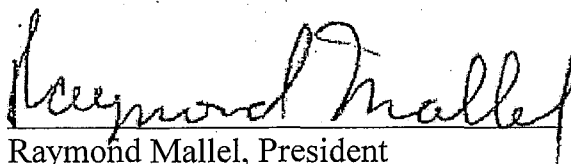
Case No. 2012 – 484

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on August 30, 2012.

IT IS SO ORDERED July 31, 2012.



Raymond Malle, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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2 KAREN B. CHAPPELLE
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2012-484

12 **ROEL STEVE AXUME**
1714 N. McCadden Place, Apt. 1216
13 Hollywood, CA 90028
Applicant for Registered Nurse License

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14
15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
20 Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
22 Thomas L. Rinaldi, Deputy Attorney General.

23 2. Respondent Roel Steve Axume (Respondent) is representing himself in this
24 proceeding and has chosen not to exercise his right to be represented by counsel.

25 3. On or about May 12, 2011, Respondent filed an application dated May 10, 2011 with
26 the Board of Registered Nursing to obtain a Registered Nurse License.
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1 **Severability Clause.** Each condition of probation contained herein is a separate and
2 distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
7 detailed account of any and all violations of law shall be reported by Respondent to the Board in
8 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
9 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
10 45 days of the effective date of the decision, unless previously submitted as part of the licensure
11 application process.

12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
16 the conditions of the Probation Program established by the Board and cooperate with
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no
19 more than 15 days of any address change and shall at all times maintain an active, current license
20 status with the Board, including during any period of suspension.

21 Upon successful completion of probation, Respondent's license shall be fully restored.

22 3. **Report in Person.** Respondent, during the period of probation, shall appear in
23 person at interviews/meetings as directed by the Board or its designated representatives.

24 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
25 practice as a registered nurse outside of California shall not apply toward a reduction of this
26 probation time period. Respondent's probation is tolled, if and when he resides outside of
27 California. Respondent must provide written notice to the Board within 15 days of any change of
28 residency or practice outside the state, and within 30 days prior to re-establishing residency or

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where he has ever been licensed
3 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
4 information regarding the status of each license and any changes in such license status during the
5 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
6 license during the term of probation.

7 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit
8 or cause to be submitted such written reports/declarations and verification of actions under
9 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
10 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
11 Respondent shall immediately execute all release of information forms as may be required by the
12 Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
14 state and territory in which he has a registered nurse license.

15 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
16 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
17 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered nursing"
19 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
20 non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice nursing
22 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23 If Respondent has not complied with this condition during the probationary term, and
24 Respondent has presented sufficient documentation of his good faith efforts to comply with this
25 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
26 extension of Respondent's probation period up to one year without further hearing in order to
27 comply with this condition. During the one year extension, all original conditions of probation
28 shall apply.

1 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
2 prior approval from the Board before commencing or continuing any employment, paid or
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to his employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within seventy-two
9 (72) hours after he obtains any nursing or other health care related employment. Respondent
10 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
11 regardless of cause, from any nursing, or other health care related employment with a full
12 explanation of the circumstances surrounding the termination or separation.

13 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
14 Respondent's level of supervision and/or collaboration before commencing or continuing any
15 employment as a registered nurse, or education and training that includes patient care.

16 Respondent shall practice only under the direct supervision of a registered nurse in good
17 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
18 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
19 approved.

20 Respondent's level of supervision and/or collaboration may include, but is not limited to the
21 following:

22 (a) Maximum - The individual providing supervision and/or collaboration is present in
23 the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
25 care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
27 person communication with Respondent at least twice during each shift worked.

28 (d) Home Health Care - If Respondent is approved to work in the home health care

1 setting, the individual providing supervision and/or collaboration shall have person-to-person
2 communication with Respondent as required by the Board each work day. Respondent shall
3 maintain telephone or other telecommunication contact with the individual providing supervision
4 and/or collaboration as required by the Board during each work day. The individual providing
5 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
6 patients' homes visited by Respondent with or without Respondent present.

7 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
8 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
9 or for an in-house nursing pool.

10 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
11 registered nursing supervision and other protections for home visits have been approved by the
12 Board. Respondent shall not work in any other registered nursing occupation where home visits
13 are required.

14 Respondent shall not work in any health care setting as a supervisor of registered nurses.
15 The Board may additionally restrict Respondent from supervising licensed vocational nurses
16 and/or unlicensed assistive personnel on a case-by-case basis.

17 Respondent shall not work as a faculty member in an approved school of nursing or as an
18 instructor in a Board approved continuing education program.

19 Respondent shall work only on a regularly assigned, identified and predetermined
20 worksite(s) and shall not work in a float capacity.

21 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
22 request documentation to determine whether there should be restrictions on the hours of work.

23 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and
24 successfully complete a course(s) relevant to the practice of registered nursing no later than six
25 months prior to the end of his probationary term.

26 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
27 Respondent shall submit to the Board the original transcripts or certificates of completion for the
28 above required course(s). The Board shall return the original documents to Respondent after

1 photocopying them for its records.

2 11. **Violation of Probation.** If Respondent violates the conditions of his probation, the
3 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
4 and impose the stayed discipline (revocation/suspension) of Respondent's license.

5 If during the period of probation, an accusation or petition to revoke probation has been
6 filed against Respondent's license or the Attorney General's Office has been requested to prepare
7 an accusation or petition to revoke probation against Respondent's license, the probationary
8 period shall automatically be extended and shall not expire until the accusation or petition has
9 been acted upon by the Board.

10 12. **License Surrender.** During Respondent's term of probation, if he ceases practicing
11 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
12 Respondent may surrender his license to the Board. The Board reserves the right to evaluate
13 Respondent's request and to exercise its discretion whether to grant the request, or to take any
14 other action deemed appropriate and reasonable under the circumstances, without further hearing.
15 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
16 subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and shall
18 become a part of Respondent's license history with the Board. A registered nurse whose license
19 has been surrendered may petition the Board for reinstatement no sooner than the following
20 minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any reason other
22 than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

24 13. **Physical Examination.** Within 45 days of the effective date of this Decision,
25 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician
26 assistant, who is approved by the Board before the assessment is performed, submit an
27 assessment of the Respondent's physical condition and capability to perform the duties of a
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If

1 medically determined, a recommended treatment program will be instituted and followed by the
2 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
3 to the Board on forms provided by the Board.

4 If Respondent is determined to be unable to practice safely as a registered nurse, the
5 licensed physician, nurse practitioner, or physician assistant making this determination shall
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
8 immediately cease practice and shall not resume practice until notified by the Board. During this
9 period of suspension, Respondent shall not engage in any practice for which a license issued by
10 the Board is required until the Board has notified Respondent that a medical determination
11 permits Respondent to resume practice. This period of suspension will not apply to the reduction
12 of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within the 45-day
14 requirement, Respondent shall immediately cease practice and shall not resume practice until
15 notified by the Board. This period of suspension will not apply to the reduction of this
16 probationary time period. The Board may waive or postpone this suspension only if significant,
17 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
18 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
19 Only one such waiver or extension may be permitted.

20 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

21 Respondent, at his expense, shall successfully complete during the probationary period or shall
22 have successfully completed prior to commencement of probation a Board-approved
23 treatment/rehabilitation program of at least six months duration. As required, reports shall be
24 submitted by the program on forms provided by the Board. If Respondent has not completed a
25 Board-approved treatment/rehabilitation program prior to commencement of probation,
26 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
27 If a program is not successfully completed within the first nine months of probation, the Board
28 shall consider Respondent in violation of probation.

1 Based on Board recommendation, each week Respondent shall be required to attend at least
2 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
3 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
4 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
5 added. Respondent shall submit dated and signed documentation confirming such attendance to
6 the Board during the entire period of probation. Respondent shall continue with the recovery plan
7 recommended by the treatment/rehabilitation program or a licensed mental health examiner
8 and/or other ongoing recovery groups.

9 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
10 completely abstain from the possession, injection or consumption by any route of all controlled
11 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
12 are ordered by a health care professional legally authorized to do so as part of documented
13 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
14 days, by the prescribing health professional, a report identifying the medication, dosage, the date
15 the medication was prescribed, the Respondent's prognosis, the date the medication will no
16 longer be required, and the effect on the recovery plan, if appropriate.

17 Respondent shall identify for the Board a single physician, nurse practitioner or physician
18 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
19 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
20 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
21 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
22 considered addictive have been prescribed, the report shall identify a program for the time limited
23 use of any such substances.

24 The Board may require the single coordinating physician, nurse practitioner, or physician
25 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
26 medicine.

27 **16. Submit to Tests and Samples.** Respondent, at his expense, shall participate in a
28 random, biological fluid testing or a drug screening program which the Board approves. The

1 length of time and frequency will be subject to approval by the Board. Respondent is responsible
2 for keeping the Board informed of Respondent's current telephone number at all times.

3 Respondent shall also ensure that messages may be left at the telephone number when he is not
4 available and ensure that reports are submitted directly by the testing agency to the Board, as
5 directed. Any confirmed positive finding shall be reported immediately to the Board by the
6 program and Respondent shall be considered in violation of probation.

7 In addition, Respondent, at any time during the period of probation, shall fully cooperate
8 with the Board or any of its representatives, and shall, when requested, submit to such tests and
9 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
10 hypnotics, dangerous drugs, or other controlled substances.

11 If Respondent has a positive drug screen for any substance not legally authorized and not
12 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
13 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
14 practice pending the final decision on the petition to revoke probation or the accusation. This
15 period of suspension will not apply to the reduction of this probationary time period.

16 If Respondent fails to participate in a random, biological fluid testing or drug screening
17 program within the specified time frame, Respondent shall immediately cease practice and shall
18 not resume practice until notified by the Board. After taking into account documented evidence
19 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
20 suspend Respondent from practice pending the final decision on the petition to revoke probation
21 or the accusation. This period of suspension will not apply to the reduction of this probationary
22 time period.

23 17. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
24 of this Decision, have a mental health examination including psychological testing as appropriate
25 to determine his capability to perform the duties of a registered nurse. The examination will be
26 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
27 the Board. The examining mental health practitioner will submit a written report of that
28 assessment and recommendations to the Board. All costs are the responsibility of Respondent.

1 Recommendations for treatment, therapy or counseling made as a result of the mental health
2 examination will be instituted and followed by Respondent.

3 If Respondent is determined to be unable to practice safely as a registered nurse, the
4 licensed mental health care practitioner making this determination shall immediately notify the
5 Board and Respondent by telephone, and the Board shall request that the Attorney General's
6 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
7 practice and may not resume practice until notified by the Board. During this period of
8 suspension, Respondent shall not engage in any practice for which a license issued by the Board
9 is required, until the Board has notified Respondent that a mental health determination permits
10 Respondent to resume practice. This period of suspension will not apply to the reduction of this
11 probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within the 45-day
13 requirement, Respondent shall immediately cease practice and shall not resume practice until
14 notified by the Board. This period of suspension will not apply to the reduction of this
15 probationary time period. The Board may waive or postpone this suspension only if significant,
16 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
17 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
18 Only one such waiver or extension may be permitted.

19 **18. Therapy or Counseling Program.** Respondent, at his expense, shall participate in
20 an on-going counseling program until such time as the Board releases him from this requirement
21 and only upon the recommendation of the counselor. Written progress reports from the counselor
22 will be required at various intervals.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my application for a Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 3/28/12


ROEL STEVE AXUME
Respondent

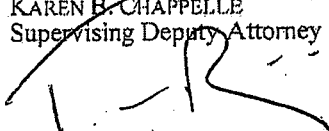
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 4-3-2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General


THOMAS L. RINALDI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 2012-484

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
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3 THOMAS L. RINALDI
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
Against:

Case No. **202-484**

13 **ROEL STEVE AXUME**
1714 N. Cadden Pl, Apt. 1216
Hollywood, CA 90028

STATEMENT OF ISSUES

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about May 12, 2011, the Board of Registered Nursing (Board) received an
22 application for Licensure by Examination from Roel Steve Axume (Respondent). On or about
23 May 10, 2011, Respondent certified under penalty of perjury to the truthfulness of all statements,
24 answers, and representations in the application. The Board denied the application on or about
25 August 19, 2011.

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subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

8. Section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. "

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

10. CONTROLLED SUBSTANCE

"Marijuana," is a schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of Crimes)

11. Respondent's application is subject to denial under sections 2761, subdivision (f) and 480, subdivision (a)(1), in that Respondent was convicted of crimes, as follows:

a. On or about June 11, 2008, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152 subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in his blood] in a criminal proceeding entitled *The People of the State of California v. Roel Steve Axume* (Super. Ct. Los Angeles County), Case No. No. 8MP01601. The circumstances surrounding the conviction are

1 that on or about December 5, 2007, Respondent drove a vehicle while having a blood-alcohol
2 level of approximately 0.16%.

3 b. On or about November 1, 2006, after pleading guilty, Respondent was
4 convicted of one felony count of violating Health and Safety Code section 11359 [possession of
5 marijuana for sale] in a criminal proceeding entitled *The People of the State of California v. Roel*
6 *Axume* (Sup. Ct. Los Angeles County) Case No. BA305943. The circumstances surrounding the
7 conviction are that on or about July 13, 2006, Los Angeles police officers conducted a narcotics
8 investigation at Respondent's residence, where they detected an odor of marijuana. When asked
9 how much marijuana he had, Respondent admitted to having about two ounces in a safe inside of
10 a drawer on his computer table. During a search of the safe, officers found several clear plastic
11 zip-lock bags containing marijuana as well as money, two digital scales, and a pay/owe index
12 card with a list of names and amounts.

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 **(Acts Warranting Denial of Licensure)**

15 12. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A),
16 in that Respondent committed acts which if done by a licentiate would be grounds for suspension
17 or revocation of his license, as follows:

18 a. Respondent was convicted of crimes substantially related to the qualifications,
19 functions, or duties of a registered nurse which to a substantial degree evidences his present or
20 potential unfitness to perform the functions authorized by his license in a manner consistent with
21 the public health, safety, or welfare, in violation of sections 2761, subdivision (f) and 490, in
22 conjunction with California Code of Regulations, title 16, section 1444. Complainant refers to,
23 and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs
24 (a) and (b), inclusive, as though set forth fully.

25 b. Respondent was found to be in possession of a controlled substance in violation
26 of section 2761, subdivision (a), as defined in section 2762, subdivision (a). Complainant refers
27 to, and by this reference incorporates, the allegations set forth above in paragraph 11,
28 subparagraph (b), as though set forth fully.

1 c. Respondent used alcoholic beverages to an extent or in a manner dangerous or
2 injurious to himself, another person, and the public, in violation of section 2761, subdivision (a),
3 as defined in section 2762, subdivision (b). Complainant refers to, and by this reference
4 incorporates, the allegations set forth above in paragraph 11, subparagraph (a), as though set forth
5 fully.

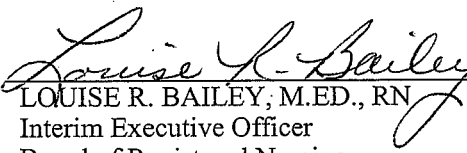
6 d. Respondent was convicted of crimes involving the consumption of alcohol, in
7 violation of section 2761, subdivision (a), as defined in section 2762, subdivision (c).
8 Complainant refers to, and by this reference incorporates, the allegations set forth above in
9 paragraph 11, subparagraph (a), as though set forth fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Denying Roel Steve Axume's application for licensure as a Registered Nurse, and
14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: February 22, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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